

# **Exhibit B**

Matulewicz & Associates, P.C.

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**Anthony Matulewicz**

ATTORNEY AT LAW

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September 24, 2021

U.S. Citizenship and Immigration Services  
1717 Zoy Street  
Harlingen, Texas 78552

BENEFICIARY: **Martha Carolina Chavez Aguero**

PETITIONER: **Elias Gonzalez Jr.**

FILE: **IOE0909554233 / A088-946-828**

FORM: **I-130**

Dear Sirs,

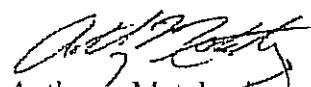
We are in response of your Notice to Intent to Deny dated August 30, 2021. In your letter basically after you mention what the law is, and how courts interpret that law, which those interpretation support our case you are determining that the I-130 is prohibited, you argument is "On October 30, 2019, the beneficiary was entered into removal proceedings based on providing fraudulent Divorce Decree between herself and ex-husband Anibal Ruiz Martinez and entering into a fraudulent marriage with her ex-husband, Joel E. Ribera in order to gain legal permanent resident status in violation of the Immigration Laws of the United States".

Our position is how is that relevant to the approval of the I-130 if the current marriage is Bona fide. In Matter of Tawfik, the director inferred that the marriage was not Bona fide based solely on a determination that the parties never resided together. It should be mentioned that the record in Tawfik did not support that determination. Here, the evidence is over whelming that their marriage is Bona fide. Both parties have been together since 2012. Not only that, but the have children together; Enclosed to this letter you will find the Birth Certificates and DNA test showing that children are from both parties as Exhibit "A". There is not one scintilla of evidence that shows anything to the contrary. The service is basing its assumption on the allegation that Beneficiary's first marriage was fraudulent. We are not commenting on that allegation. But, supposing, arguendo, that it is, that fact, again, arguendo is irrelevant. Also, the service alleges that beneficiary provided a fraudulent divorce. We look through are whole record and could not find any evidence that the divorce was fraudulent.

In summary the service analysis and stated case law clearly proof our point. Both parties have been together for more than 7 years. They have children together, as it is demonstrated in the attached documents. And you have a statement from petitioner clearly explaining their relationship as Exhibit "B". There is no evidence on the record that the current marriage is fraudulent. To the contrary, even the more skeptical person will find this marriage legit.

Hope this clarifies any issues we will provide any other evidence the service may wish to examine.

Respectfully Submitted,



Anthony Matulewicz  
Attorney at Law

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Enclosures: As Stated  
Cc: File

# **Exhibit “A”**

This is a true and correct copy of the record in the  
Register of Deeds, 184-185, 1860, 1861, 1862, 1863, 1864, 1865.

REF ID: A32254 NOV 10 2011

WILHELM DÖCHWEIT HAS A ONE-STOP SOURCE FOR ALL YOUR INDUSTRIAL NEEDS.



## DNA Test

## Report



DDC is accredited/certified by AABB, CAP, ISO/IEC 17025 by ANAB, CLIA &amp; NYSDOH.

Case 8926881	CHILD CONSTANZA GONZALEZ CHAVEZ			Alleged FATHER ELIAS GONZALEZ JR	
Race				Hispanic	
Sample Type	Buccal			Buccal	
Date Collected	9/8/2021			9/8/2021	
Test No.	8926881-20			8926881-30	
Locus	PI	Allele Sizes		Allele Sizes	
D3S1358	2.25	15	17	15	17
WA	0.95	16	17	17	18
D16S539	1.87	10	13	9	13
TPOX	1.45	8	11	8	11
D8S1179	3.08	10	15	10	11
D21S11	1.90	29	30	30	
D18S51	1.66	16	17	13	17
D2S441	1.62	10	11	10	
D19S433	2.29	13		13	14
TH01	1.82	6		6	9.3
FGA	2.93	20	26	20	23
D22S1045	1.48	16		15	16
D5S818	1.68	12		11	12
D13S317	2.24	11		11	12
D7S820	0.96	8	10	9	10
SE33	8.33	14	24.2	14.2	24.2
D10S1248	2.17	15		13	15
D1S1656	6.49	12		12	16.3
D2S1338	2.59	19	23	19	
Amelogenin		X		X	Y

## Interpretation:

RN: 10321060

Combined Paternity Index: 1,800,733

Probability of Paternity: 99.9999%

The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.9999%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Hispanic population (assumes prior probability equals 0.50).

Subscribed and sworn before me on September 13, 2021

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 9/13/2021.

Kari Ann Bowlin  
Notary Public, State of Ohio  
My Commission Expires May 9, 2026

Priya Kumar, Ph.D.

**CITY OF EDINBURG  
STATE OF TEXAS**

STATE OF TEXAS		CERTIFICATE OF BIRTH		BIRTH NUMBER	
1. Child's Name	First	Middle	Suffix	Date of Birth (mm/yyyy)	3. Sex
ELISA		GONZALEZ CHAVEZ		12/19/2016	4. FEMALE
4a. Place of Birth - County	4b. City or Town or census city limits, area, location no. 5	5. Time of Birth	6. Place of Birth - Street, Room, Apartment, Suite, etc.	7. Birthplace State, Territory or Foreign Country	
HIDALGO	EDINBURG	05:45 PM	SINGEL	8. Place of Birth - Street, Room, Apartment, Suite, etc.	
7a. Place of Birth <input type="checkbox"/> City/Town/Office <input type="checkbox"/> Licensed Birthing Center <input type="checkbox"/> Hospital	7b. Name of Hospital or Birthing Center <input type="checkbox"/> (If not listed, One Street Address)	9. Doctor/Hospital at Renaissance - 1053317362			
<input type="checkbox"/> Home Birth <input type="checkbox"/> (Marked to answer if home) <input type="checkbox"/> Yes <input type="checkbox"/> No					10. Certificate - certify that this child was born alive at the place and time and on the date as stated
11. Parents' Name, NPI and Mailing Address	12. Certificate - certify that this child was born alive at the place and time and on the date as stated		13. Signature and Title		
FLORENTINA LIMAS	AUDREY RODRIGUEZ		14. Date Stamp		
1211 N RAUL LONGORIA SAN JUAN, TEXAS 78550					
15. <input type="checkbox"/> M1 <input type="checkbox"/> M2 <input type="checkbox"/> CMA <input type="checkbox"/> MNPW <input type="checkbox"/> DMH <input type="checkbox"/> DPH	16. Mailing Address		17. Birthplace State, Territory or Foreign Country	18. Signature State, Territory or Foreign Country	
10. Mother's Name Prior to First Marriage	11. Date of Birth (mm/yyyy)	12. Birthplace State, Territory or Foreign Country	19. Signature State, Territory or Foreign Country		
MARTHA	CAROLINA	05/09/1982	MEXICO		
13a. Residence - State	13b. County	13c. City, Town or Location	20. Street Address or Rural Location		
TEXAS	HIDALGO	PHARR	1808 MARBELLE DR.		
14. Zip Code	15. Infants City, Limits	16. Mailing Address	17. Name At Residence, etc.	21. Signature State, Territory or Foreign Country	
78557	<input type="checkbox"/> Yes <input type="checkbox"/> No				
18. Father's Name Prior to First Marriage	19. First Name	20. Middle Name	21. Last Name	22. Birth Date (mm/yyyy)	23. Signature State, Territory or Foreign Country
24. Last File No.	25. Date Received	26. Date Registered	27. Signature of Local Registrar	28. Signature State, Territory or Foreign Country	
05925	12/21/2016				
I, the undersigned, declare under penalty of perjury, that I am not knowingly making a false statement in this document. I have read the document and I understand its contents.					

VB-113 REV. 01/05. WARNING: THE PENALTY FOR A FALSE STATEMENT ON THIS FORM CAN BE 10 YEARS IN PRISON AND A FINE OF UP TO \$5,000. 304250

300464

This is to verify that this is a true and correct reproduction of the original record, as filed in this office under authority of Section 191.051, Health and Safety Code.

JAN 19 2016

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JAN 15 2010



# DNA Test Report



DDC is accredited/certified by AABB, CAP, ISO/IEC 17025 by ANAB, CLIA & NYSDOH.

Case 8926881	CHILD ELISA GONZALEZ CHAVEZ			Alleged FATHER ELIAS GONZALEZ JR				
Name								
Race				Hispanic				
Sample Type	Buccal			Buccal				
Date Collected	9/8/2021			9/8/2021				
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vWA	2.54	17	18	17	18			
D16S539	1.87	12	13	9	13			
CSF1PO	1.39	11	12	12				
TPOX	1.89	11		8	11			
D8S1179	3.08	10	12	10	11			
D21S11	1.90	29	30	30				
D18S51	1.65	12	17	13	17			
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D22S1045	1.33	15	16	15	16			
D5S818	1.68	12		11	12			
D13S317	2.10	11	12	11	12			
D7S820	0.96	8	10	9	10			
SE33	50.25	14.2	20	14.2	24.2			
D10S1248	1.08	14	15	13	15			
D1S1656	3.25	12	15	12	16.3			
D2S1338	2.59	19	23	19				
Amelogenin		X		X	Y			
Interpretation:								
Combined Paternity Index: 1,301,192			Probability of Paternity: 99.9999%					
The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.9999%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Hispanic population (assumes prior probability equals 0.50).								
RN: 10321061								

Subscribed and sworn before me on September 13, 2021

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 9/13/2021.

Kari Ann Bowlin  
Notary Public, State of Ohio  
My Commission Expires May 9, 2026

Priya Kumar, Ph.D.

## **Exhibit “B”**

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AFFIDAVIT

STATE OF TEXAS

§  
§  
§  
§

COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who swore on oath that the following statements are true.

"My name is Elias Gonzalez Jr. Citizen of the United States. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct".

1. I am the Petitioner in this case.
2. I met my wife, Martha Carolina Chavez, thru a mutual friend, Rosana Haro, in mid-2012.
3. We started dating in 2012 and three months later we moved to Pueblo de Paz Apartments at 3401 N. Mayberry Rd. Mission, TX 78573. We lived in common-law from 2012 to 2013 with her two children Jaira de Jesus Figueroa Chavez DOB: 11/12/2004 and Jair de Jesus Figueroa Chavez DOB: 12/17/2006 both citizens of the United States.
4. We moved to 4311 Canadian Ln Mission, TX 78572 as a family. Since 2012 I have been my wife's children caregiver. We lived at this address from 2013 to 2014. I am currently the owner of Rushline Trucking, LLC a transportation Company and travel very often.
5. On or about 2014 we moved to 1517 New Orleans Cir Pharr, TX 78577 and lived there until 2016. We had our first child, Elisa Gonzalez Chavez DOB: 12/13/2015. My daughter was born at the Renaissance Hospital in Edinburg, TX. I was traveling out of State and was not able to be with my wife during the registration to include my last name to the Birth Certificate, this was an oversight  
on my part. However, she is my daughter, and I am enclosing a DNA Test  
proving that.
6. We got married on January 27, 2019 at 1906 Sebastian St. Mission, TX 78572 by Judge Silvia Rocha.

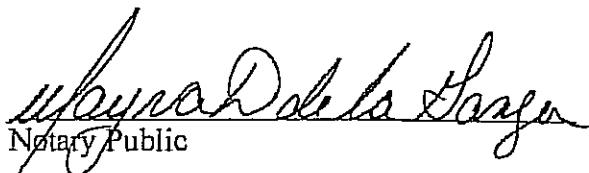
7. From 2016 to August of 2019, we moved to 2406 N. Carnation Ln Pharr, TX 78577 and my wife was pregnant to our second child.
8. On or about August of 2019, we moved to our current address, 13542 N. Los Ebanos Rd Mission, TX 78573.
9. On September 28, 2019, our second daughter was born, Constanza Gonzalez Chavez. She was born at the Renaissance Hospital in Edinburg, TX.
10. My Marriage is in good faith. I have two daughters with my wife. We have lived together for more than 8 years. To suggest that our Marriage is not bone fine is offensive.

"I declare under PENALTY OF PERJURY that the information provided in this affidavit is true and correct to the best of my knowledge."

  
\_\_\_\_\_  
Elias Gonzalez, Jr.

09-08-21  
Date

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 8th day of September 2021.

  
\_\_\_\_\_  
Mayra D. De La Garza  
Notary Public

09/08/2021  
Date

